

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: October 31, 2002

TO: Orange County Zoning Administrator

FROM: Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA02-0089

PROPOSAL: A Site Development Permit to establish alternative development standard for Lot 9 of Tract 16243; to permit construction of one detached single-family dwelling with a rear yard setback of 7.22 feet instead of the required 10 feet.

LOCATION: 31 St. Just Ave. - Lot 9 of Tract 16243, Ladera Ranch - 5th Supervisorial District

APPLICANT: Centex Homes- Property Owner
Dan Hosseinzadeh, Authorized Agent

STAFF CONTACT: Chad Brown, Project Manager
Phone: (714) 834-5159

SYNOPSIS: Site Planning staff recommends Zoning Administrator approval, subject to findings and conditions of approval.

BACKGROUND:

Planning Application PA 02-0089 proposes to establish an alternative development standard for Lot 9 of Recorded Tract 16243 to allow construction of one detached single-family dwelling with a rear yard setback of 7.22 feet instead of the required 10 feet. The project site is located within the Residential designation of Planning Area 3A of Ladera Planned Community. The site is subject to the "Conventional Single Family Detached" development standards of the Planned Community.

The standard required setbacks for "Conventional Single Family Detached" dwellings are 5 feet from the front property line (except for a garage), 10 feet aggregate total from both side property lines, and a minimum of 10 feet from the rear property line. In the case of this application, the applicant proposes alternative development standards for the rear setback only for this single building site. The "Residential Planning Area" regulations of the Ladera Planned Community do permit the establishment of alternative development standards by approval of a Site Development Permit. The Zoning Administrator is identified as the approving authority for all site development permits proposing to modify site development standards.

In order to approve an alternative development standard, the applicant must provide justification that the alternative development standard will result in an equal or better project in terms of adverse impacts to the immediate and surrounding community and the decision-maker must make a Finding to this effect.

SURROUNDING LAND USE:

The project is located within Planning Area 3A of the Ladera Planned Community, and all surrounding uses are also located within the Ladera Planned Community. The site is designated as residential and Lot 9 of Tract 16243 is a recorded, legal residential building site surrounded by other residential development either existing or under construction. The building site backs up to the Southern California Edison easement that traverses the entire Ladera Planned Community.

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions by staff.

CEQA COMPLIANCE:

The project has been determined to be Categorical Exempt from the provisions of CEQA. The project has been determined to be a Class 5 Categorical Exemption (CEQA Guidelines Section 15305) for setback variances not resulting in the creation of any new parcels that do not result in any changes in land use or density. A finding of Categorical Exemption has been included within Attachment A of this report.

DISCUSSION/ANALYSIS:

Lot 9 of Tract 16243 is an irregularly shaped building site. The building site is one of the larger sites within the tract, however the orientation of the building site is unique to the others. The street frontage is approximately 93 feet, while others in the tract are approximately 60 feet on average. However, the depth of the lot is limited by the existing Southern California Edison easement abutting the rear of the lot. The average depth of Lot 9 is approximately 55 feet, while others in the immediate vicinity are approximately 90 feet. Thus, this building site is wider but shallower than the others within this tract.

The applicant undertook numerous design and plotting studies of different plans for Lot 9, Tract 16243, and concluded that the proposed plotting is the best alternative for this lot due to the following reasons:

1. Plan 3CL is the only plan that fits on this irregular lot and complies with all development standards, with the exception of the rear setback.
2. The building elevation facing the large side yard provides the best elevation facing St. Just Avenue, therefore, will have the least impact in the immediate area around Lot 9 and offer more consistent building orientation and views for the surrounding neighbors traveling St. Just Avenue on a daily basis.
3. Plotting any other plan on this lot will impact the maneuverability of the cars entering and exiting the garage. This proposed plotting provides the safest and more normal pattern of the driveway.
4. If the home were to be plotted closer to the front property line it would result in a driveway length less than required 17 feet.

The applicant believes that the proposed Plan 3CL provides the most consistent plotting with the other planned dwellings in the immediate vicinity and the most pleasant architecture feature facing the street and would enable the future owner of the lot to best enjoy the oversized side yard due to the lot orientation.

The proposed plotting complies with the front setback requirement, the garage setback requirement and both side yard setbacks of the Ladera Planned Community. The rear setback is proposed as 7.22 feet for the right rear corner portion of the structure. The majority of the structure is equal to or greater than the required 10 feet from the rear property line. The rear setback at the left rear corner is proposed as 22.85 feet and 16.34 feet at the approximate center of the structure. Only a small portion, less than 50% of the structure, intrudes in to the rear setback required area. It should be noted that the orientation of the proposed single-family dwelling on Lot 9 does provide for a larger private yard area than what the rear yard setback within the Ladera Planned Community requires.

Therefore, for the reasons stated above, staff suggests that the required additional finding of equal or better project in terms of adverse impacts to the immediate and surrounding community may be made with respect to this alternative development standard request. If approved, this application would approve the plotting of this particular dwelling unit with the specified setbacks. Any future addition by a future owner will be subject to the applicable development standards and regulations.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff presentation and public testimony as appropriate; and,
- b. Approve Planning Application PA 02-0089 to establish an alternative development standard for the rear setback of 7.22 feet instead of the required 10 feet for Lot 9 of Tract 16243, subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad Brown, Chief
CPSD/Site Planning Section

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ATTACHMENTS:

- Appendix A. Recommended Findings
- Appendix B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation/Justification
2. DMB Ladera letter of approval
3. Project Plans